

### REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1, 2, 4, 5, 8, 9, 11, and 12 are pending, with Claims 1 and 8 being independent.

Claims 1 and 8 have been amended.

### 2<sup>nd</sup> REQUEST FOR RETURN OF INFORMATION DISCLOSURE CITATION FORM

Applicant again respectfully notes that the last item (“June 20, 2007 Chinese Official Action (with English language partial translation)”) on the June 28, 2007 Information Disclosure Citation Form was not initialed, and Applicant respectfully requests that the Examiner initial the same and return the Information Disclosure Citation Form to confirm consideration of that document.

### FURTHER REMARKS

Claims 1, 2, 4, 5, 8, 9, 11, and 12 were variously rejected under 35 U.S.C. § 103 over JP-A 2000-041218 (Kato, et al.) in view of newly-cited US 2006/0078296 A1 (Takao) and US 2004/0114911 A1 (Ito), and further in view of Official Notice (the Official Action asserts that the April 11, 2008 Information Disclosure Statement material constitutes the Official Notice). All rejections are respectfully traversed.

As an initial matter, Applicant wishes to point out that Ito does not appear to constitute 35 U.S.C. § 102(e) prior art since its international application, filed on or after November 29, 2000, was not published in English; however, its corresponding international application was published on October 10, 2002, as WO 02/080542 A1, more than one year before the subject application’s filing date.

Claims 1 and 8 recite, *inter alia*, generating a packet including additional data and the digital video data if the digital video data is reproduced from the storage medium at a normal speed, and generating a packet including the additional data but not including any of the digital video data if the digital video data is reproduced from the storage medium at a special speed, with additional data as claimed.

However, Applicant respectfully submits that none of Kato, et al., Takao, Ito, and Official Notice, even in the proposed combinations, assuming, *arguendo*, that such could be combined, discloses or suggests at least the above-discussed claimed features as recited, *inter alia*, in Claims 1 and 8.

The Official Action acknowledges that Kato, et al. is deficient at least as regards such features, and therefore relies, at page 3 of the Official Action, upon Takao (e.g., [0288], [0322]) to argue that Takao discloses eliminating most of the video data for carrying out a special playback. Applicant respectfully traverses such reliance. Applicants respectfully submit that Takao discloses, e.g., that the stream for the special playback (see, e.g., [0288]-[0289]) necessarily includes the video data (e.g., ES(V) 11 and ES(V) 12 in Fig. 31), and thus Takao provides neither a description nor any suggestion of at least the above-discussed claimed features. And Applicant respectfully submits that Ito fails to remedy the foregoing deficiencies.

Applicant further submits that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such claimed features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed

above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicant submits that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Daniel S. Glueck/  
Daniel S. Glueck  
Attorney for Applicant  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

DSG:jjr

FCIS\_WS 2523159v1